

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 19931 OF 2004

Between:

1. S.Rama Chandra Reddy, S/o S.Anki Reddy, aged about 50 years, Person-in-Charge, Moram Primary Agricultural Cooperative Society, Eguva Kalladu village, Kolamasanapalli Post, Palamaner (RM), Chittoor District.
2. Veerapalli Venkatrama Naidu, s/o Ramalingam Naidu, aged about 49 years, Somala Primary Agricultural Cooperative Society, Somala (post) Mandal, Chittoor District.
3. Mutra Ramalinga Reddy s/o Sidda Reddy, aged about 55 years, Kannemadugu Primary Agricultural Cooperative Society, Thamvallapalli (Post) Mandal, Chittoor District.

..... PETITIONERS

AND

1. The District Collector, Chittoor District, Chittoor.
2. The Deputy Registrar, Cooperative societies, Madanapalle, Chittoor District.
3. The Cooperative Sub Registrar, CSR Credit DLCO (Divisional Cooperative Officer), Madanapalli O/o Deputy Registrar of Cooperative Society, Madanapalli Post, Madanapalli Mandal, Chittoor District.
4. Branch Manager, Chittoor District Cooperative Central Bank, Chowdepalli, Chowdepalli Mandal, Chittoor District.
5. The Branch Manager-cum-SDLCO (Sub-Divisional Cooperative Officer), The Chittoor District Cooperative Central Bank, Palamaneru Mandal, Chittoor District.

6. The Registrar of Cooperative Societies/Commissioner for Cooperative, Government of AP, Hyderabad.
7. The Government of AP, rep. by its Secretary, Agricultural & Cooperative Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly a Writ of Mandamus, :

- i. declaring the inaction of the respondents in not holding elections to the Primary Agricultural Cooperative Society (PACS) of Moram P.A.C.S., Somala P.A.C.S., Kannemadugu P.A.C.S. in Chittoor District, though the term of the elected members of the society expired in the month of July, 2000, as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice against the mandatory provision u/Sec. 31 of A.P. Cooperative Societies Act, and the judgment of the Hon'ble High Court in M.Ranga Reddy vs State of Andhra Pradesh and another, reported in AIR 1989 AP 81, consequently
- ii. direct the action of the 7th respondent in issuing G.O.Rt.No.606, Agriculture and Cooperation dated 3.7.2004 directing the 4th respondent to appoint official persons in charge committees in place of the elected members of the cooperative societies and the consequential proceedings issued by the 3rd respondent in RC No.1060/2000-D, dated 9.7.2004 appointing the official persons in charge committee in place of the elected members to the Primary Agricultural Cooperative Societies Ltd. Moram P.A.C.S., Somala P.A.C.S., Kannemadugu P.A.C.S., in Chittoor District, as illegal, arbitrary and unconstitutional apart from being violative of principles of natural justice and set aside the same;
- iii. direct the Registrar of Cooperative Societies/Commissioner of Cooperation, Government of AP, Hyderabad, to conduct elections immediately to the Moram P.A.C.S., Somala P.A.C.S., Kannemadugu P.A.C.S. in Chittoor District by permitting the petitioners to continue as Chairman of the person-in-charge committee in the above said Primary Agricultural Cooperative Societies till elections are held to it.

For the Petitioner: Mr. M.Venkata Ramana Reddy, Advocate

For the Respondents: Government Pleader for Cooperation

The Court Made the Following :

::ORDER::

The issue arising in this writ petition is covered by the judgment of this court dated

8.11.2004 in W.P. No. 12116 of 2004 and Batch.

The writ petition is accordingly dismissed in terms of the aforesaid judgment. No order as to costs.

Date:04.02.2005 -----

Pvsn Justice G. RAGHURAM

..... REGISTRAR

To

- 1.The District Collector, Chittoor District, Chittoor.
2. The Deputy Registrar, Cooperative societies, Madanapalle, Chittoor District.
- 3.The Cooperative Sub Registrar, CSR Credit DLCO (Divisional Cooperative Officer), Madanapalli O/o Deputy Registrar of Cooperative Society, Madanapalli Post, Madanapalli Mandal, Chittoor District.
- 4.Branch Manager, Chittoor District Cooperative Central Bank, Chowdepalli, Chowdepalli Mandal, Chittoor District.

5.The Branch Manager-cum-SDLCO (Sub-Divisional Cooperative Officer), The Chittoor District Cooperative Central Bank, Palamaneru Mandal, Chittoor District.

6.The Registrar of Cooperative Societies/Commissioner for Cooperative, Government of AP, Hyderabad.

7.The Secretary, Government of AP, Agricultural & Cooperative Department, Secretariat, Hyderabad.

8. Two CCs to the Government Pleader for Cooperation, High Court building, Hyderabad (OUT)

7. 2CD copies